

03-03-03

PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|--|--|
| Application Number | 09/897,801 |
| Filing Date | June 29, 2001 |
| First Named Inventor | Thomas C. Pinkerton |
| Group Art Unit | 1615 |
| Examiner Name | Carlos A. Azpuru |
| Total Number of Pages in This Submission | Attorney Docket Number 6794S-000019 |

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ENCLOSURES (check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Form HDP 1449 |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | 82 References |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | Check \$590.00 |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Express Mail Label No. EL 948330615 US | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|---|--|
| Firm or Individual name | Donald R. Holland Harness, Dickey & Pierce, P.L.C. | |
| Signature | | |
| Date | February 28, 2003 | |

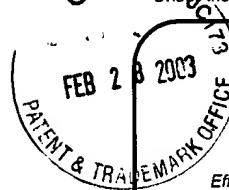
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| Typed or printed name | Donald R. Holland | |
| Signature | | Date |
| | February 28, 2003 | |

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
590

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | 09/897,801 |
| Filing Date | June 29, 2001 |
| First Named Inventor | Thomas C. Pinkerton |
| Examiner Name | Carlos A. Azpuru |
| Group / Art Unit | 1615 |
| Attorney Docket No. | 6794S-000019/US |

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METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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08-0750Deposit Account Name
Harness, Dickey & Pierce, P.L.C.

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 Charge any additional fee(s) during the pendency of this application

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | 410 |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive – unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)
590

**or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY | | | | | | Complete (if applicable) | |
|-------------------|-------------------|--|----------------------------------|--------|-----------|--------------------------|--|
| Name (Print/Type) | Donald R. Holland | | Registration No. Attorney/Agent) | 35,197 | Telephone | 314 726-7500 | |
| Signature | | | | | Date | February 28, 2003 | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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HJP
PATENT
Attorney Docket No. 6794S-000019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Pinkerton [REDACTED]

Serial No. 09/897,801

Filed: June 29, 2001

Art Unit: 1615

Examiner: Carlos A. Azpuru

For: ENHANCED PHARMACOKINETIC PROFILE OF INTRADERMALLY
DELIVERED SUBSTANCES

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO OFFICE ACTION UNDER 37 C.F.R. §1.111

This paper is filed in response to Office Action dated October 9, 2002. It is deemed timely filed by virtue of the accompanying petition and fee for two-month extension of time up to and including March 9, 2003.

Claims 85-138 are pending in the case and Claims 85-116 and 119-138 have been examined.

Reconsideration and withdrawal of the rejection of Claims 85-116 and 119-138 under 35 U.S.C. 102(e) over Pettis et al. (US2002/0095134) is, respectfully, requested because the cited reference was filed on June 29, 2001, the same filing date as the instant application. Thus, the '134 application was not filed before the invention by the applicant as required under 102(e)(1).

It is noted that the '134 application claims priority to 09/606,909, filed June 29, 2000 in the first paragraph of the specification. A copy of the 09/696,909 application is included with this response for the convenience of the Examiner. The copy was obtained as provided in 37 C.F.R. § 1.14(c)(1)(i). A copy is also included in a concomitantly submitted Information Disclosure Statement.

The '909 application, however, does not contain the passages cited by the Examiner in the '134 application. The rejection is, thus, believed to be improper and withdrawal is, respectfully, requested.

It is believed that the claims are in a condition for allowance and such favorable action is, respectfully, requested. Should any questions arise, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,



Donald R. Holland Reg. No. 35197
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